614 wife always remains a stranger to her husband's clan and keeps her own totem.

596 614 The umutware w'urugo rwa se is only slightly important and this word is seldom used. More important is the umutware w'urugo rwa bo (lit., of them), also called umutware w'umulyango, who has command both of his rugo and the umulyango.

614 The umulyango is a social entity without any political value. Thus Rwabutogo, chief of the umulyango of the Abega, owns only the province of East Buganza. In matters of family and cattle he commands Rwagatakara, who in turn commands Rwabusisi, chief of Buliza and South Buganza.

614 689 425 The umutware w'umulyango exercises a paternal jurisdiction over all the members of his group. If they disobey him seriously he can drive them out and seize their cattle (indemano, inkazibiti) except for the animals they have received as a gift from the king (ingabane) (1). However, it is the Mwami who has the right of

1. Cf. Property, Ownership of Cattle, p. 42.

[166] eviction. In addition, if the king sees that an injustice has been committed, he authorizes the one who has been the victim to settle elsewhere so as to remove himself from the jurisdiction of the chief of the umulyango, without however ceasing to belong to the clan. If the Mwami asks the umulundo (2) from the chief of the umulyango,

2. That is to say, lit., "wishes to see the cattle of his cattle." He takes only one or two animals.

the latter can in turn claim some inyiturano (3) from his family. On

3. Cf. Property, Ownership of Cattle, p. 43.

the other hand, the chief of the umulyango can show his favor to those of his relatives with whom he is satisfied by giving them some ingabane.

[41]

SECTION II. PROPERTY

1. Property in General

421 The Banyarwanda have a less abstract idea of property than we have. It is comparable to that of possession.

On the other hand, no differentiation is made between personal property and real estate. Property is given different names according to its nature and use. The Banyarwanda divide their property [into the following categories]: amatungo (animals); ibintu, a generic name applicable to the rugo, imilima (fields); ubgatsi (pasturage); imyaka (crops); and urutoke (banana plantations); ibiti (trees); intwaro (weapons and cutting instruments); ibikolesho (hoes, pickaxes, baskets, churns); imyambaro (clothing).

2. Landed Property

423 True landed property exists in Ruanda, while in the Belgian Congo the natives consider that the bare ownership of the land belongs to the souls of the departed and that they themselves only have usufruct.

[643] All the land in the country belongs to the Mwami who relin-
423 guishes its use successively to the various chiefs and subchiefs. These,
425 in turn, cede an isambu (land sold) or concede an umwatano (land
427 leased) to the Bahutu in consideration of a price or a payment consisting of a certain percentage of future crops (ichyata umulima, lit., gift in order to have a field).

The Muhutu holds his land in a more or less precarious way. Even if he makes his payments regularly [42] his land may be taken away from him one day, if, for example, he neglects to pay the customary dues to the chiefs and the king. In this case he may be deprived of all or part of his land, but the last crop is not taken from him (1).

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184 1. An appreciably different administration of property exists in the western part of Bunyambiriri, the extreme north of Ndiza,

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and in Rukiga (provinces of Mulera and Bugoyi) where the land cleared and cultivated by the Bahutu are subject to a right of family property. This right is sacred and the Batutsi, whose power in these regions is rather nominal, know that they cannot dispute it without exposing themselves to serious miscalculations and even to bloody reprisals.

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[622] The hill chief also has the right to take a plot of land (ubugerure) from the Bahutu in order to form an ubuka which he wishes
[435] to give to someone else or to keep as his own property (imilima y'inyarulembo). The part of the plot that is left to the Muhutu is called isagu.

[428] The Muhutu can transmit his right of exploitation to his son by inheritance. Land that passes from one generation to the next is called indeka.

[576] Land is sometimes held collectively by a family in the person of its head (isambu or ingobyi y'iwabo). Members of the family pay him no rent and, to the exclusion of strangers, have the right to cut firewood and graze their cattle there.

[622] There are also communal woods (itshanya). The hill chief reserves part of them for himself and allows the hill people to exploit the remainder.

[563] The Batwa claim to be the legitimate occupants of the forests. For this reason they often enter into disputes with the Bahutu living near the wooded regions.

[622] Mines and quarries of clay are the property of the chief, but he allows his people to [43] supply themselves there in exchange for a payment (a hoe or some pots).

The boundaries (imbibi) of fields are usually marked by small ditches (impavu) or piles of stones (ibishyinga).

There are no neutral zones between lands.

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423 An inkungu is a piece of ground that has been abandoned because of the holder's voluntary departure or death without leaving an heir. A man who has been cursed by his father or driven out by the chief because of repeated thefts of cattle, for example, must also abandon his plot. The chief can offer an inkungu (or an ubugerure) to a stranger to the hill who asks to settle there. If he is a Muhutu, he is

423 obliged to submit to the same obligations as his predecessor. If he
[425] is a Mututsi, he is not required to pay any ground rent, and the chief gives him a pasture in addition.

Rights of way and of access are not private. The hill people may move about freely on each other's land. This is also true of the cattle for which special paths are made.

672 In the case of a dispute in matters of landed property, litiga-
692 tion is taken to the hill chief who goes to the place and, after having heard the witnesses, decides between the plaintifs.

3. Customary Law of Hunting

224 Customary laws of hunting are very numerous. Of these we will quote only a few of the most frequent cases.

A native hunting alone who has killed an ordinary antelope (impongo) takes the meat and skins the animal.

224 Hunting with beaters is organized by the chief who decides on
672 the land to be beaten after having taken the advice of the [44] expert Batutsi or Bahutu hunters and following the indications of the trackers. The chief also chooses the beaters from among the least good shots. To stimulate their zeal in this thankless task, he promises them pots of beer if the hunt is successful.

224 The natives are required to take part in the hunt, but they fulfill this obligation willingly as it is a much appreciated entertainment and also a source of profit.

Whoever first wounds an animal during a battue or beat, is presumed to have killed it. He is entitled to the skin and one rear leg. The meat is divided among all the Batutsi and Bahutu hunters. The hunter who has killed several antelopes may keep the skin of one animal.

224 Whoever finds an animal that has been killed must return it to
643 the hunters. At least theoretically, game belongs to the king and skins of any value (1) must be turned over to him, especially those of

281 1. Skins of marsh antelopes are much appreciated by the Batutsi because of their long silky fur with which they make bed coverings. Skins of the "bush bock" and

231 INGABANE. When a Mututsi who has paid homage to the
422 Mwami receives from him a hill with cattle and abagaragu, the said
192 cattle is called ingabane (4). A herd of ingabane consists of at
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4. From kugabana, "to receive."

least 30 heads of cattle, cows, calves, heifers, and young bulls.

A simple Mututsi with no political authority may receive some ingabane and some inkazibiti. But the favor of the Mwami makes him considered an important person. He is the Mwami's umugaragu.

The Bahutu usually receive only inkazibiti.

INDEMANO. (5). a) Cows of the same color and age, given

5. From kulema, "to create," "to form," "to assemble."

by a father to his son when the latter is about to get married. The whole of the indemano is called iminani.

[50]

b) By a patron to a client of whom he is fond and who is going to get married.

c) By a husband to his wife.

The indemano are also ingabane.

After these various distributions, the cattle remaining to the master make up the ingarigari (reserved cows).

422 INGARIGARI. Cows which the master keeps for his own
231 pleasure and personal use without giving any to his wives, sons, or
192 friends, or without leasing them out to any abagaragu.

INKUKE (1). a) A son, who has received from his father

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1. From gukura, "to take away," "to remove."

indemano, returns a milch cow (inkuke) to his father which has been taken from among the indemano. When it no longer gives any milk the father sends it back to his son.

425 192 231 b) A Mututsi umugaragu is obliged to send the Mwami an inkuke from among the ingabane he has received. When the cow no longer gives milk, the client must bring other animals.

c) An umugaragu can receive some indemano from his patron. Usually these are old cows or bull calves which he then exchanges for heifers. When they are full grown, he gives one or several of these inkuke to his patron.

d) An umugaragu of the Mwami must occasionally send him a milch cow from among the ingabane he has received.

INDWANYI. Full-grown bull given annually to the Mwami by each provincial chief, for sacrifice to the spirits of the departed or slaughtered for the use of the king, his Batwa, or his foreign guests: Bahima, Barundi, Baganda, etc.

[51]

IBINIHA. Sterile cow given under the same conditions and meant for the same use.

[787] INTORWA. Bull calves or young rams to be used for consulting the auguries or for the cult of ancestors.

YO KUBIKA. Cow brought to the Mwami by the successor of a provincial chief who comes to announce the death of his father.

IY'UBUNTU (1). Cow given as a present. It belongs in full

1. From ubuntu, "generosity." Ineza, "good will," is also said.

ownership to the one who receives it, who is held under no obligation to the donor. Ubuntu cows are not ingabane; they are imbata when they are placed among the imbata that are already in the rugo, and keep the name of inka y'ubunta, without possessing any of its privileges, in all other cases [sic].

INYITURANO. Cow given in return by the one who has received an ubuntu. When a man who has bestowed ubuntu on certain of his friends dies, his children can claim an inyiturano cow from each of them.

IMPAHANO (2). Cows bought under the same conditions as

2. From guhaha, "to fetch, to procure."

the intundano and received as a gift or dowry. They have the same character, but if their owner attaches himself to a patron they become ipso facto cows of an umugaragu.

425 231 192 INYARULEMBO. Cows which continue to belong to a Mututsi shepherd, but which may be at the home of one of his wives or of an umugaragu. They remain near the master's dwelling, for they are to provide the milk needed for him and his family. Indemano given by a [52] cattle owner are called inyarulembo. Cows bought by a Mututsi umugaragu (intundano) are also called inyarulembo. On the other hand, those acquired by a Mututsi who has entered into a clientèle contract become ingabane.

583 231 192 INKWANO. Milch cow given or received as dowry for the marriage of a daughter or sister. It becomes imbata.

192 431 231 INDONGORANYO (1). Head of cattle given to the young couple by the wife's parents, and sometimes by the husband's parents. Among the chiefs, the indongoranyo is given immediately after the marriage as a sign of friendship. Among the other Batutsi, the indongoranyo is given to the young woman by her father when she visits her parents after the birth of her first child.

1. From kurongoranya, "to help set up housekeeping."

[301] IY'URUGORI (2). Milch cow or heifer which a young mother receives from her father or her father-in-law, unless she has already had an indongoranyo bestowed on her. If the marriage is broken, the urugori is not claimed from the wife's family.

2. From the name of the sorghum-straw band worn by Banyarwanda mothers on their heads.

[606] IY'ICHYARI. The daughter-in-law is not allowed to see her father-in-law during the first days of marriage. When he lifts the interdiction, the father-in-law can give an ichyari to the young couple. Among the Bahutu, a sheep or a goat is given instead of a cow.

431 192 231 302 IY'IGISAGE. Cow given by a father to his son when the latter reaches the age of six or seven years old. At that moment, the hairdress he has worn until then (igisage) is changed to one called amasunzu (3). The Muhutu child receives at the same age two or three banana trees.

3. Hair dressed in the shape of a coxcomb or a crescent.

000 three banana trees.

192 764 231 [53] INKAMWA. When the father of a family dies, one of his sons or grandsons is chosen to put between his hands a jug of milk. The cow that has given this milk is called inkamwa. It is given to the one who has placed the jug of milk between the hands of the deceased and is not included in the division of the inheritance.

This cow cannot be sold or killed. Its young are not subject to this interdiction. If it dies, it is eaten by the Bahutu in the owner's rugo, and its bones are buried there.

Among the Bahutu a sheep is used as the inkamwa.

IY'UMUGANGU. When the father of a family dies, the eldest son slaughters a bull calf, which is eaten by the family. The skin is worn by the eldest son for two months so that the cows will not die like their master.

192 231 731 IY'UMULIRO and INSHUMBUSHANYO. 1) If lightning has destroyed the herd (or even one animal) held by the umugaragu, the latter can obtain from his shebuja the umuliro (lit., the fire cow), either a cow or a bull calf.

When several cows are given by the patron to indemnify his client, the first one is called umuliro, the others inshumbushanyo.

425 231 2) If the patron deprives his client of his whole herd to punish him for not performing one of his obligations, the umugaragu begs the protection of another shebuja who gives his new dependent a cow and a bull calf or only a bull calf.

192 731 231 IMPONOKE. When the herd of the patron, the provincial chief, or the king is decimated by cattle plague (muryamo), the abagaragu give some cows to fill the gaps caused by the epizootic disease.

192 231 766 [54] INDORANO (1). At the death of the king's child, wife, brother, and also in the case of death in a great chief's family, the provincial chiefs and the hill chiefs, if they are directly subject to the Mwami, each bring two cows to the Mwami, and only one in the other event. A cow is also given by the abagaragu. The cow given to a friend on the occasion of deep mourning is also called indorano.

1. From kurora, "to see."

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it is correct, the domination of the Batutsi over Ruanda would go back nearly four centuries.

[565] 643 The Abanyiginya and the Abega are the most influential noble families of the country, and kings and queens have been chosen from among them since the earliest times.

[551] The kings of Ruanda have two names, that given them at birth (Musinga, Rudahigwa) and that given them on their accession (Yuhi, Mutara).

When the Mwami dies royal power passes to one of his sons, generally to one of the youngest.

The divine origin attributed to royalty and the legitimacy conferred on the king by a very long heredity led to the [86] acknowledgment of a third characteristic of royal power, that is to say, autocracy.

[423] The Mwami is the undisputed master of the whole country, of the land (fields and pastures), of the cattle, as well as of the people. He is the only real proprietor, all those on whom he bestows his generosity being merely his life tenants.

643 425 He does not necessarily own the land which he cultivates himself, and he does not need to, since his revenues are enriched by the tributes and payments owed to him by each of his subjects. When he is young he receives in appanage from the king, his father, one or several provinces, as well as cattle, and servants. On his accession he may keep all these provinces or give them to others (1).

1. Mutara Rudahigwa has kept his provinces of Nduga and Marangara but has shifted the responsibility of their administration to an umutware.

His favors may be bestowed to anybody, to a Muhutu and even to a Mutwa, whom he can raise immediately to the highest rank. Formerly, even in Musinga's time, those who had ceased to please the Mwami, or simply those whose property he coveted, could be dispossessed any day regardless of their high positions, all influence taken from them, and they themselves exiled from the country. Today, if the Mwami wishes to occupy a certain hill, he asks one

643 of his great chiefs to cede it to him. The latter yields with good
[425] grace and usually receives some cattle in exchange.

643 The Mwami is an absolute monarch by divine right who
661 knows no other rule but his will, even his caprice. (2) In the past,
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2. Hence the proverb: Luyose higirwa n'Unwami, "all depends on the King."

before our occupation, he could with impunity torture, mutilate, or kill anyone who had displeased him. His criminal sentences conformed to the customs of the country, which acknowledged this [87] formidable right, and no one thought of rebelling against his decisions (1).

[177] 1. The Mwami's right of life and death was abolished in 1917 at the time of the occupation of the country by our troops.

In the same way he is high judge and makes the final settlement in disputes, even the slightest, among his subjects.

Finally, the king is the supreme legislator of the people. With the help of the abiru, he sees that the common law is kept, but he has the sole power of modifying the country's law if and whatever he wishes.

643 He announces his decisions (amategeko) at the door of his rugo,
[692] where people from all parts have congregated to pay homage or demand justice. The intumwa (messengers) are then charged to make known the Mwami's orders to the people of the different provinces.

643 In addition to his Mututsi name (Musinga, Rudahigwa, etc.),
551 the Mwami receives on his accession a king's name (Yuhi, Mutara, etc.). These names are repeated periodically; thus the present Mwami is Mutara III.

The king is sometimes given a surname such as Rwabugiri Sezisoni (Merciful, Clement) (2).

[192] 2. Foreign word originating in Buhima, east of Ruanda.

423 dispersed areas. The chief would have his *ingo* (plural of *rugo*, residence) built on several hills, and usually establish one of his wives in each of them, to direct the centre entrusted to her. This is a very typical estate organization : it is based on polygamy.

The position towards cattle-owners

422 661 We have said that the *mwami* did not possess the land : neither has he any right of possession over the big cattle. The *mwami* would sometimes take cattle where he found them, but this was only a violent misuse of his tyrannical power. Batutsi and even Bahutu cattle-rearers are definitely the owners of their herds when, of course, the cattle are not simply entrusted to them.

231 43 357 These cattle can be given and this very thing adds a great deal to their worth, for those who desire them are naturally attracted towards those who own them. The king presents with cows the great who come to pay him homage. During the great annual sorghum festival, he ritually distributes cattle to some methodically chosen persons. The great men used to be surrounded, and are still, with a group of servants of various ranks : *ntore* (vassals who owed them a more important military aid than the average tenants), *bagendanyi* (young attendants charged to carry out their messages), *bakamyi* (young Batutsi entrusted with the milking of the cows), *abungere* who watch over the cattle), *bakevvi* (cooks), *inshoreke* (female attendants and servants). The most esteemed among these followers (*ntore*, *bagendanyi*, *bakamyi*) hope to receive cows one day, the *bakamyi* especially, on the day when they will leave the service to get married.

231 675 425 554 There are also the so-called cattle-contracts. Here are the most interesting of them : (1) A cattle-owner gives someone a cow, in exchange, the donee will later return a calf after the cow has calved two or three times. (2) An important owner gives several cows to a man who must in his turn permanently provide him with a milch-cow. (3) The owner of an important herd entrusts a man with the breeding of several cows which he may use for milk and manure ; one of the cows will be his if the herd has prospered.

In all these cases, the recipient becomes the liege of the donor (or the depositor). In some cases, the recipient is considered a near relative, even a son of the donor and marriage impediments ensue from the assimilation. On the other hand, the higher the donor is socially speaking, the less he tries to derive material profit from these transactions : his real profit is in the power he acquires over the person of the recipient.

423 425 *The relations between agriculturists*

Similar ties may exist between agriculturists. The

423 typical case is that of a man who has been allowed to
425 establish himself on a specified spot on a hill, that is, on the hill-side, between the stony higher belt and the swampy valley bottom; this gives him rights over the whole ground above and below him, up to the pasture-lands and down to the papyrus; now there may remain an uncultivated part in this vertical tract of land: if another agriculturist wishes to establish himself there, he will have to ask for the former occupant's permission, which as a rule can be received in exchange for a present. If the present is important, this will be equivalent to a kind of sale; if it is not, the new-comer will become the man, the *muhutu*, of the first-comer; he will have to obey him and carry out what commissions the other cares to entrust him with. The same relationship may arise if the occupant of an *itongo* (singular of *amatongo*) surrenders to a new comer lands that were already cultivated.

Relationship between craftsmen and other elements of the population

463 Industrial production is almost totally domestic, to the making of back-cloths (*impuzu*); there are however a few skilled handicraftsmen: potters, blacksmiths, makers of millstones, milkpots, bracelets, shell-jewels. Before markets were introduced, goods
435 used to be exchanged for food-stuffs or scrap-iron. This bartering was and still is practiced in the *ingo* as before.

431 But, besides this universal barter-system, there is what I have thought fit to call 'baronial exchange': 435 it is practised among members of the aristocracy only; it consists in offering members of the ruling 565 class some specified goods, in exchange for a cow; but this cow is admittedly worth more than the presented goods. Consequently, the giver of the goods will feel bound to go on making presents, until the recipient of them judges he is indebted in his turn and it is appropriate to bestow another cow. Of course, the recipient of the cows becomes the *muhutu* of the donor. I have gathered several instances of this relationship based on inequality: it occurs among salt-makers, blacksmiths, copper bracelets, pedlars (*abayangayanga*).

Women's activities

462 The wives of the great live in almost complete
461 inactivity; their *inshoreke* (attendants) do the domestic work for them ('they sweep the floor') or more delicate work (as fine basket-work). Only women till the land and make pots in Batwa households. Bahutu women till the land, sometimes, but not always, with the help of their husbands; the husband may have another job when he lives among a chief's attendants, has a trade of his own or peddles goods across the country.

9:Maquet E-5 (1949-1951)1961 FO42 Rundi FO42

different uses of the same thing. For instance, one person could have the right to sow a plot and to collect the harvest and another to use it for grazing purposes at another time of the year. Neither of them was considered as the owner letting somebody else use his property as a pasture or as a ground for cultivation.

On each pasture, cultivated plot or forest area, the king had a right very similar to the *dominion eminens* of Roman law, the kind of public ownership that a State has over the land within the borders. But he had also the right to prevent, if he chose to do so, somebody from using a particular tract of land in any way at all, which amounts to saying that the mwami had over land a right potentially superior to that of anybody else. The mwami's rights could be opposed to 'private rights'. In fact, the king very rarely insisted on this use of his rights and then only when he wanted to punish somebody who was guilty of disobedience or of some other crime.

The land chief's and cattle chief's rights to fields and pastures will be considered later in the section dealing with the administration. Suffice it to say here that these tax-collectors had the right to evict people for certain offences and to allocate land to newcomers in their districts.

The person endowed with rights on land for cultivation purposes was the head of a family (*rugo*). Mostly these rights came to him from his father's inheritance. Sometimes, however, it was a part of the bush that he had himself cleared. If he had not received enough from his father to support his family, he extended his plot in this way with the agreement of the political authority. If, because of a dispute with his brothers, he wanted to move elsewhere and the land chief could not allocate him a field already prepared at the place where he wanted to settle, he did the same. Such a plot was called *bukonde* as long as it was occupied either by the man who had cleared it or by his descendants. A third source of cultivation rights was the assignment by the land chief of a plot already prepared (*inkungu*). The former user of it had either to be evicted by the authority, or had left, or had died without heirs.

In the same way the family head had the right to use a certain area as pasture for his cattle either by inheritance, or by felling the trees of a tract of forest or by having it conceded by the cattle chief.

At the end of the nineteenth century the inzu had no collective

9: Maquet E-5 (1949-1951) 1961 FO42 Rundi FO42

At the end of the nineteenth century the inzu had no collective rights over certain areas except in the north of Ruanda (Mulera, Rwankeri, Bushiru, Bigogwe) where the Tutsi occupation had been more superficial. I have been told that there the soil belonged to the patrilineage and that there was no land or cattle chief. From the point of view of the individual, however, the situation was very similar: he inherited a share of his father's tract. The difference was that, if the part were insufficient, he had to apply for more to the lineage head instead of to the land-chief, and a plot left without heirs returned to the patrilineage instead of the political authority.

The person entitled to the use of a plot could not sell his right but could let the tract. The rent was about one hoe every other year plus a jug of beer each harvest. The tenant was not permitted to settle by building a hut or planting banana trees.

The Twa resented very much the expansion of fields and pastures in the forests they regarded as their possession. The authority was not concerned with the way they divided it into hunting areas.[1]

2. RIGHTS OVER CATTLE

The rights over each head of cattle were also manifold. Property in the Western sense was split up into different aspects.

A global right existed over all Ruanda cattle, even sheep and goats, by which the king could claim actual possession of any of them. The mwami used this right more frequently, it seems, over cattle than over land. An important chief indulging in intrigues regarded as dangerous by the king might find himself dispossessed of all his cattle. The king's right over all the cattle of Ruanda was a constant threat which seems to have very effectively deterred the Tutsi of the ruling set from becoming too independent.

Another right was very similar to our bare ownership. The person who had it was not in possession of the cow but could at any time claim possession of the animal and the heifers and cows produced by that beast since the time when the possession had been transferred. This was the right of the lord (*shebuja*).

In contrast there was the usufruct right with respect to cattle. The person endowed with it could dispose of the milk, the male increase of the cattle, and the dead cows. This was the typical right of the client (*garagu*).

[1] For a more extended account of the land tenure system in traditional Ruanda, see Maquet and Naigiziki, 1957.